

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

ANDREW L. SMITH

VS.

CITY OF GRENADA & MISSISSIPPI
DEVELOPMENT AUTHORITY

PLAINTIFF

CIVIL ACTION NO.: 3:13cv696-HTW-LRA

DEFENDANTS

NOTICE OF REMOVAL

TO: Louis H. Watson, Jr.
Nick Norris
WATSON & NORRIS, PLLC
628 North State Street
Jackson MS 39202

Attorneys for Plaintiff

Defendant, City of Grenada, ("Defendant"), in the lawsuit entitled *Andrew L. Smith v. City of Grenada, and Mississippi Development Authority*, Civil Action No. 251-13-850CIV, on the docket of the Circuit Court of Hinds County, Mississippi, First Judicial District, has on November 5, 2013 filed in the United States District Court for the Southern District of Mississippi, Jackson Division, its notice to effect the removal of said civil action to the United States District Court for the Southern District of Mississippi, Jackson Division.

Copies of this Notice are herewith served upon you as counsel of record for Plaintiff, Andrew L. Smith, and a copy of the same is being filed with the clerk of the aforesaid state court in conformity with 28 U.S.C. § 1446(d), as amended. Defendant City of Grenada represents that the grounds for removal are as follows:

1. On September 24, 2013, a Complaint styled *Andrew L. Smith v. City of Grenada and Mississippi Development Authority* was filed and is now pending in the Circuit Court of

Hinds County, Mississippi, First Judicial District, Civil Action No. 251-13-850CIV, which is within the Southern District of Mississippi, Jackson Division.

2. Service of process was made upon Defendant, City of Grenada, Mississippi, on October 7, 2013. Thirty (30) days have not expired since service of process was effected on the City of Grenada; therefore, this Notice of Removal is timely.

3. Civil actions over which district courts have original jurisdiction are removable. 28 U.S.C. § 1441(a). Federal district courts have “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. As noted above, Plaintiff’s Complaint is brought pursuant to the Fourteenth Amendment to the Constitution, 42 U.S.C. § 1981, and 42 U.S.C. § 1983 all of which are federal claims for which federal Courts have original jurisdiction. (*Plaintiff’s Complaint: Pgs. 1 and 9*) Plaintiff also has brought supplemental state law claims. When this Court has original jurisdiction over one or more of a Plaintiff’s claims, it “shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1337(a). The state law claims alleged in Plaintiff’s Complaint “arise out of a common nucleus of operative fact with [the federal claims such that they] ‘form part of the same case or controversy under Article III of the United States Constitution.’” *Cornett v. Longois*, 275 F.3d 42 (5th Cir. 2001) (quoting 28 U.S.C. Section 1337(a)). As such, this Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. Section 1337(a). Accordingly, this action may be removed to this Court pursuant to the provisions of 28 U.S.C. Section 1441c(1)(A) and (B).

4. Defendant Mississippi Development Authority acknowledges the removal of this matter to the U.S. Southern District Court, Jackson Division. Attached as Exhibit A is

Defendant Mississippi Development Authority's Joinder and Consent to Removal. As such, all of the named defendants have consented to the removal of this action from the Circuit Court of Hinds County, Mississippi, First Judicial District, Cause No. 251-13-850-CIV, to the United States District Court for the Southern District of Mississippi, Jackson Division. Therefore, the removal of this case to the United States District Court for the Southern District of Mississippi, Jackson Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446(b), is proper.

5. A copy of all process and pleadings served upon Defendant, City of Grenada, Mississippi, as required by 28 U.S.C. § 1446(a), is attached hereto as Exhibit B and a copy of the Hinds County Circuit Court, First Judicial District, record for Cause No. 251-13-850CIV is attached hereto as Exhibit C.

6. Promptly after filing this Notice of Removal, written notice thereof will be given to all adverse parties and a copy of the Notice of Filing Notice of Removal attached as Exhibit D will be filed with the Clerk of the aforesaid state court to effect removal of such action to the United States District Court for the Southern District of Mississippi, Jackson Division. Defendant, City of Grenada, Mississippi, hereby respectfully requests that this Court assume full jurisdiction of the case herein as provided by law.

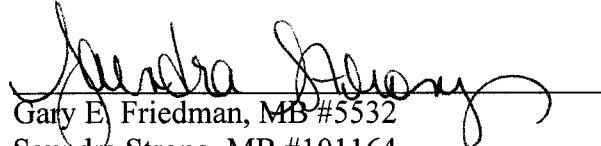
WHEREFORE PREMISES CONSIDERED, Defendant, City of Grenada, Mississippi, hereby removes this action bearing Cause No. 251-13-850CIV from the Circuit Court of Hinds County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Jackson Division.

THIS the 5th day of November, 2013.

Respectfully submitted,

PHELPS DUNBAR, LLP

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**ATTORNEYS FOR DEFENDANT, CITY OF
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CERTIFICATE OF SERVICE

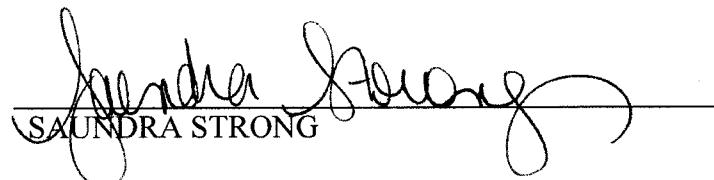
I, SAUNDRA STRONG, do hereby certify that I have this date mailed through the United States Postal Service, postage prepaid, a true and correct copy of the above and foregoing *NOTICE OF REMOVAL* to the following counsel of record:

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ATTORNEYS FOR PLAINTIFF

Honorable Tomie Green
Hinds County Circuit Court Judge
P.O. Box 327
Jackson MS 39205

SO CERTIFIED, this the 5th day of November, 2013.



SAUNDRA STRONG